

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RICKY L. THOMAS,

Plaintiff,

v.

SHIRLEY, *et al.*,

Defendants.

No. 1:23-cv-0470 JLT BAM (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS**

(Doc. 17)

Ricky L. Thomas is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The assigned magistrate judge screened the allegations of Plaintiff's First Amended Complaint pursuant to 28 U.S.C. § 1915A(a), and found Plaintiff stated a cognizable claim against Defendant Degough for deliberate indifference in violation of the Eighth Amendment. However, Plaintiff failed to state any other cognizable claims for relief against any other defendants. (Doc. 13.) The Court ordered Plaintiff to file a second amended complaint or to notify the Court of his willingness to proceed only on the cognizable claim identified by the Court. (*Id.*)

After Plaintiff notified the Court that he did not wish to amend the complaint (Doc. 14), the magistrate judge reiterated the prior findings that Plaintiff stated a cognizable claim against Degough and that no other claim was cognizable. (Doc. 17 at 2-7.) Therefore, the magistrate judge recommended the action proceed only on the claim against Degough and all other claims

1 and defendants be dismissed based upon Plaintiff's failure to state claims upon which relief may
2 be granted. (*Id.* at 8.)

3 The Court served the Findings and Recommendations on Plaintiff and notified him that
4 any objections were to be filed within 14 days after service. (Doc. 17 at 8.) Despite granting
5 Plaintiff a 30-day extension of time to file any objections (Doc. 19), he did not do so.

6 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this
7 case. Having carefully reviewed the entire matter, the Court concludes the Findings and
8 Recommendations are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendations issued on October 10, 2023 (Doc. 17) are
10 **ADOPTED** in full.
- 11 2. This action **SHALL** proceed only on Plaintiff's claim against Defendant Degough
12 for deliberate indifference to conditions of confinement in violation of the Eighth
13 Amendment, as stated in the First Amended Complaint filed April 25, 2023.
- 14 3. All other claims and defendants are **DISMISSED** from the action.
- 15 4. The Clerk of Court is directed to update the docket and terminate Heather Shirley
16 and J. Cronjager as defendants.
- 17 5. This action is referred to the magistrate judge for further proceedings.

18
19 IT IS SO ORDERED.

20 Dated: **December 21, 2023**


UNITED STATES DISTRICT JUDGE